



26817 6.6 Slaboski Jack

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 21 1995

REPLY TO THE ATTENTION OF

HSE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Jack Slaboski  
c/o Joseph Costanza, Esquire  
720 West Chicago Avenue  
East Chicago, Indiana 46312

Re: Supplemental Request for Information Pursuant to Section  
104(e) of CERCLA for the Gary Lagoons Site 5500 Industrial  
Highway, in Gary, Lake County, Indiana

Dear Mr. Slaboski:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the Gary Lagoons Site, located at 5500 Industrial Highway, Gary, Lake County, Indiana, hereinafter referred to as the "Site". This investigation requires inquiry into the generation, storage, treatment, and disposal of such substances that have been or threaten to be released at the Site. U.S. EPA is also investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty-one (21) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000)

or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees, and its subsidiaries, divisions, facilities and their officers, directors and employees. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:


Debora Dawley (HSES-5J)  
Emergency Support Section  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Please direct any questions you may have to Tom Turner, Assistant Regional Counsel, at (312) 886-6613.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Richard C. Karl, Chief  
Emergency & Enforcement Response Branch

Enclosure

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or handling practices of the Respondent. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

#### DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which the Gary Lagoons Site was located, referenced to as the Site.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been

written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

#### REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

4. Identify all liability insurance policies held by Respondent and Industrial Disposal Corporation of America, a Delaware corporation from 1971 to 1973. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

5. Provide copies of the portion of Respondent's personal income tax returns sent to the Federal Internal Revenue Service for the years 1963 through 1983, which indicate your employer(s) for the respective years.

6. In regards to your involvement with Industrial Disposal Corporation of America, a Delaware corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b) Provide a copy of all documents filed with the Secretary of the State of incorporation, with regard to incorporation and status.
- c) Provide a copy of all corporate documents relating to the Theta Systems, Inc., acquisition of an Industrial

Disposal Corporation entity, with regard to the form of the transaction, and the full name and state of incorporation of the corporate entities involved.

d) Provide a list of any and all employees, officers, directors, and upper level management from the Industrial Disposal Corporation who were retained by Theta Systems, Inc.

(e) Provide documentation of, if available, or indicate the distribution of Industrial Disposal Corporation of America, a Delaware corporation's, stock between Respondent and the remaining officers and directors on the Board of Directors before, and after the 1974 Theta Systems, Inc., a Delaware corporation's, acquisition of Industrial Disposal Corporation of America, a Delaware corporation.

7. Describe in detail the nature of Industrial Disposal Corporation, an Indiana corporation's, activities or business during the years 1960 through year end 1974, respectively. In addition, list all locations at which such business operations were conducted, for each year, respectively.

8. Describe in detail the nature of Industrial Disposal Corporation of America, a Delaware corporation's, activities or business during the years 1971 through year end 1973, respectively. Specifically describe the purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site. In addition, list all locations at which such business operations were conducted for each year, respectively.

9. In the years 1963-82 which, if any, years did Jack Slaboski work for the following: Industrial Disposal Corporation, an Indiana corporation, Industrial Disposal Corporation of America, a Delaware corporation, Theta Systems, Inc., and/or Laidlaw Waste Systems, Inc.?

a) Provide a list of all titles and responsibilities for each year, at each entity.

10. In the years 1963-82 which, if any years did Ted Peters work for the following: Industrial Disposal Corporation, an Indiana corporation, Industrial Disposal Corporation of America, a Delaware corporation, Theta Systems, Inc., and/or Laidlaw Waste Systems, Inc.?

a) Provide a list of all titles and responsibilities for each year, at each entity.

11. In the years 1963-82 which, if any, years did Robert J. Doyle work for the following: Industrial Disposal Corporation, an

a) Provide a list of all titles and responsibilities for each year, at each entity.

12. Describe in detail the nature of Laidlaw Waste Systems, Inc.'s, activities and business during 1982 and 1983, and the location(s) at which such business operations were conducted.

13. Describe in detail the nature of Theta Systems, Inc.'s, activities and business during 1982, and the location(s) at which such business operations were conducted.

14. In regards to the Laidlaw Waste Systems, Inc. and Theta Systems, Inc., acquisition:

a) Provide a list of employees, officers, directors, or high level management, from Theta Systems, Inc., who were retained by Laidlaw Waste Systems, Inc., after its acquisition. Include their titles and responsibilities at Theta Systems, Inc., and Laidlaw Waste Systems, Inc., respectively.

16. Provide a list of all employees and agents who worked for more than one of the following corporations: Industrial Disposal Corporation, an Indiana corporation, Industrial Disposal Corporation of America, a Delaware corporation, Theta Systems, Inc., a Delaware corporation, and/or Laidlaw Waste Systems, Inc. a Delaware corporation. Include in the list the person(s) name, and the corporation at which s/he is/was employed.



bcc: Tom Turner, ORC (CS-29A)  
Michelle Jaster, (HSE-5J)  
Bill Messenger (HSE-5J)  
Debora Dawley, ESS (HSE-5J)  
Oliver Warnsley, RP-CRU (HSA-9J)  
Toni Lesser, Public Affairs, (P-19J)  
EERB Site File  
EERB Read File  
Linda Howard (HSMF-5J) w/o attachments